



## A classless action

by Rep. John Conyers Jr.  
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To listen to the bill's supporters, the class action bill that recently was passed and signed into law is a mere procedural fix designed to prevent national class actions from being heard in state courts. The truth is the Republican bill will not only federalize nearly all state class actions, it is loaded with special interest goodies that will help corporate wrongdoers and stop civil rights, labor and dangerous-drug cases dead in their tracks. That is why it was opposed by both state and federal judiciaries, consumer and public interest groups, environmental and health organizations, and civil rights and labor groups.

This Republican Party assault on victims and consumers is unprecedented in its scope and stunning in its breadth. Collectively, these measures will close the courthouse doors on millions of Americans harmed by intentional wrongdoing, negligence and fraud, and fighting to keep their families out of financial hot water. Long after the 109th Congress is forgotten, American consumers and workers will be paying the price for these special interest bills through needless injuries and uncompensated harm.

First and foremost, the class action legislation will remove class actions involving state law issues from state courts — the forum most convenient for victims of wrongdoing and with the judges most familiar with the substantive law — to the federal courts, where the case will take much longer to be resolved and is much less likely to be accepted.

You don't have to take my word for it, just ask big business. The nation's largest bank, Citicorp, admits "the practical effect [of the bill] may be that many cases will never be heard. Federal judges, facing overburdened dockets and ambiguities about applying state laws in a federal court, often refuse to grant standing to class action plaintiffs." *Forbes* magazine writes, "the legislation will ... make it more difficult for plaintiffs to prevail, since ... federal courts are ... less open to considering ... class action claims."

Passage of this legislation is likely to be particularly devastating for civil rights and labor cases. As the Lawyers Committee for Civil Rights under the Law explained prior to its passage, "the consequences of the [legislation] for [civil rights] class actions ... would be astounding and, in our view, disastrous. Redirecting state law class actions to the federal courts will choke federal court dockets and delay or foreclose the timely and effective determination of federal [civil rights] cases."

The legislation is equally harmful to workers with wage and hour claims. Often, dozens of employees bring one lawsuit together in state courts, where state wage and hour laws typically provide more complete remedies for victims of such violations than the federal statute. For example, the federal Fair Labor Standards Act offers no protection for a worker who worked 30 hours and is paid for 20, but many states have laws requiring the worker to get paid for the full extent of his or her work. Under the class action bill, these cases will be moved to federal court where they face likely death and certain delay.

Since the November election, we have heard a lot of talk about "values." But, someone tell me, where is the value in cutting off access to the courts for senior citizens who suffered heart attacks because they took Vioxx for their arthritis? Where is the morality in preventing poor workers from joining together to obtain compensation when unscrupulous employers pay them slave wages? Where is the righteousness in telling victims of discrimination that they will have to wait years for a federal court to consider violations of their own state laws?

Our citizens need more protections against such wrongdoers, not less. Unfortunately, the Republican assault on our civil justice system takes us in precisely the wrong direction.

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